

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

-against-

USDS SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 6/2/08

MARK A. SHAPIRO, IRVING STITSKY,
and WILLIAM B. FOSTER,

Defendants.

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KIMBA M. WOOD, U.S.D.J.:

This securities fraud case involves voluminous discovery.

By letter dated May 28, 2008, Denis P. Kelleher, on behalf of the indigent defendant, Irving Stitsky, and his two co-defendants, Mark Shapiro and William Foster, and pursuant to the Criminal Justice Act, 18 U.S.C. § 3006A(e), requested that compensation in the amount of up to an additional \$5,000.00 be certified to pay for continuing investigative services by Ron Dwyer of Innovative Strategists, who will inter alia, interview investors and former employees.

By prior order of this Court dated October 5, 2006, Mr. Dwyer was authorized as an investigator, to be billed at the rate of \$85.00 per hour; his maximum compensation was set at \$5,000.00, unless payment in excess of that limit was certified by the Court.

On May 28, 2008, defense counsel informed the Court that Mr. Dwyer's time charges have reached \$5,000.00 and that substantial investigation remains before trial. Defense counsel seeks

authorization for Mr. Dwyer to continue his work on behalf of all three defendants. Defense counsel seeks authorization for Mr. Dwyer to be paid up to an additional \$5,000.00.

The Court certifies that compensation in excess of the maximum set forth in 18 U.S.C. § 3006A(e)(3) in an amount in excess of \$1,600.00 and up to \$10,000.00 is necessary to provide fair compensation for services of an unusual character or duration. Accordingly, pursuant to 18 U.S.C. § 3006A(e)(3), the Court (1) certifies that Mr. Dwyer's maximum compensation be raised by up to an additional \$5,000.00, to a limit of \$10,000.00; and (2) recommends approval of compensation up to \$10,000.00 to the Chief Judge of the United States Court of Appeals for the Second Circuit, or an active circuit judge to whom approval authority has been delegated.

SO ORDERED.

Dated: New York, New York
May 29, 2008

Kimba M. Wood

Kimba M. Wood
United States District Judge

APPROVED.

Dated: New York, New York
~~May~~, 2008

June 21

B.D. Parker

United States Circuit Judge,
United States Court of Appeals
for the Second Circuit